

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 09, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN MICHAEL DIAZ,

Defendant.

No. 4:25-CR-06024-MKD

STIPULATED PROTECTIVE
ORDER REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND, AND ORDER
GRANTING MOTION TO
EXPEDITE

ECF Nos. 20, 21

Before the Court are the parties' Stipulation regarding Computer Forensic Review Procedures for Child Pornography Contraband, ECF No. 20, and the United States' Motion to Expedite, ECF No. 21. Given the nature of the allegations in this case, the parties stipulate to imposing privacy protection measures pursuant to 18 U.S.C. § 3509. *See* ECF No. 20-1. The Court has reviewed the motions and the record and is fully informed. The Court finds good cause to grant the stipulation and related motion to expedite.

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The parties' Stipulation regarding Computer Forensic Review
3 Procedures for Child Pornography Contraband, **ECF No. 20**, is **GRANTED**.

4 2. The United States' Motion to Expedite, **ECF No. 21**, is **GRANTED**.

5 **IT IS FURTHER ORDERED:**

6 3. 18 U.S.C. § 3509(m) applies to this case, and the Court is required to
7 deny defense requests to copy, photograph, duplicate, or otherwise reproduce
8 material constituting child pornography if the United States makes the material
9 reasonably available to Defendant and provides an ample opportunity for the
10 defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

11 4. In order to comply with 18 U.S.C. § 3509(m), and to allow Defendant
12 the greatest opportunity to prepare an effective defense in preparation for trial in
13 this matter, the United States will make a true forensic, bit-by-bit E01 image of
14 devices and media containing alleged child pornography contraband at issue in the
15 above-referenced case. The United States will make that forensic image
16 reasonably available to Defendant and provide ample opportunity for the defense
17 team to examine it at a government facility in Spokane, Washington. The parties
18 may readdress the Court if there is a need for additional or after-hours access
19 during the course of litigation in the event trial or motion hearings require
20 additional forensic review.

1 5. The defense forensic examination will be conducted in an interview
2 room monitored by closed-circuit television (“CC-TV”), without audio feed.
3 While the TV with non-audio feed will ensure the integrity of FBI space and
4 security of its occupants, the video feed is not of sufficient detail or at an angle that
5 would reveal defense strategy. The United States and its agents expressly agree
6 that no attempt will be made to record any audio from the workstation and that no
7 attempt will be made to observe the defense team’s work product or computer
8 monitor screen at any time. The defense expert may review the feed to ensure that
9 defense strategy is not being compromised at any time while conducting the
10 forensic review.

11 6. The defense team¹ shall not make, nor permit to be made, any copies
12 of the alleged child pornography contraband pursuant to this Protective Order, nor
13 will they remove any contraband images from the government facility. The
14 defense expert will be allowed to copy any file that is not contraband and compile
15 a report (without contraband images/videos) documenting the examination on
16 removable media at the discretion of the defense expert.

17
18 ¹ For purposes of this Protective Order, the term “defense team” refers solely to
19 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert
20 (“defense expert”), and a defense investigator.

1 7. The designated defense expert will leave at the government facility
2 any equipment, including hard drives, which contain child pornography contraband
3 that is identified during forensic evaluation. The parties may readdress this matter
4 with the Court upon notice that the defense intends to retain a different defense
5 expert.

6 8. For the purpose of trial, the United States agrees to make available a
7 digital copy of any United States trial exhibit that contains contraband, which will
8 be kept in the custody and control of the case agent. Upon reasonable notice by the
9 defense, the case agent will also maintain for trial digital copies of any proposed
10 defense exhibit that contains contraband. If the defense team intends to offer,
11 publish, or otherwise utilize any United States or defense exhibit contained on the
12 digital copy maintained by the case agent during trial, the case agent shall assist the
13 defense team in publishing or utilizing the exhibit that contains contraband upon
14 notification by the defense team.

15 9. This ORDER shall apply to any attorneys who subsequently become
16 counsel of record, along with their defense teams, without the need to renew or
17 alter the ORDER.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel.

3 **DATED** July 9, 2025.

4 *s/Mary K. Dimke*
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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